

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

Paper No. 26

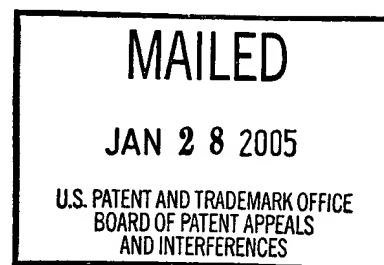
UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte PETER YUE-DER HSU and MATTHEW JACOB PERRINS

Appeal No. 2004-0773
Application No. 09/190,554

ON BRIEF



Before FLEMING, LEVY, and BLANKENSHIP, Administrative Patent Judges.

BLANKENSHIP, Administrative Patent Judge.

DECISION ON APPEAL

This is a decision on appeal under 35 U.S.C. § 134 from the examiner's final rejection of claims 1-21, which are all the claims in the application.

We reverse.

BACKGROUND

The invention is directed to a method and system for defining one or more sections of a hypertext document or web page as independent secondary documents, such that a direct link to the secondary document may be stored (e.g., bookmarked by a browser) without accessing the basic transmitted document. (Abstract, ll. 16-24.)

The invention is implemented by designing both the basic and secondary documents as hypertext, and defining the secondary documents within the basic document or web page through the use of JavaScript. (Spec. at 3, ll. 23-28.) Representative claim 8 is reproduced below.

8. In a computer managed communication network with user access via a plurality of data processor controlled interactive display stations and with a system for displaying documents transmitted to said display stations from locations remote from said stations, a method for bookmarking sections of said transmitted documents comprising:

bookmarking at one of said receiving display stations selected transmitted documents to thereby store at said receiving display station, direct links to the documents at said remote locations for future access,

defining in a document transmitted from a single remote location at least one section as an independent secondary document, and

bookmarking said secondary document at said receiving display station to thereby store at said receiving display station, a direct link to the secondary document at said single remote location without accessing said transmitted document.

The examiner relies on the following reference:

Appleman et al. (Appleman)

5,918,010

Jun. 29, 1999
(filed Feb. 6, 1998)

Appeal No. 2004-0773
Application No. 09/190,554

Claims 1-21 stand rejected under 35 U.S.C. § 102 as being anticipated by Appleman, or under 35 U.S.C. § 103 as being unpatentable over Appleman.

We refer to the Final Rejection (Paper No. 20) and the Examiner's Answer (Paper No. 24) for a statement of the examiner's position and to the Brief (Paper No. 23) for appellants' position with respect to the claims which stand rejected.

OPINION

Appellants submit, in the Brief, that Appleman does not disclose or suggest the transmission from a single remote network location to a receiving station of a document defining at least one section in the document as an independent secondary document, and means at the receiving station for bookmarking the defined secondary document. According to appellants, Appleman's Figure 7 is not, contrary to the examiner's finding, representative of a whole document with independent sections transmitted to a web receiving station. Appellants further argue that, in fact, Appleman dismisses the use of bookmarks, instead making use of human guides to maintain web sites specialized to areas of particular interest to the users.

The examiner responds that appellants "primarily" argue that Appleman does not disclose a document that has been transmitted from a single remote location.

In response, the Examiner maintains that Appleman disclose [sic] such wherein a single URL (uniform resource locator: a web address, i.e., www.uspto.gov) represents a single location comprises [sic] a document wherein the document can contain frames which can comprise of two or more independent sections of the document each of which can be

bookmarked separately to be retrieved separately and is deemed to be from a single URL (uniform resource locator) which is a single remote location; See Fig. 7; 1:54-67; 2:1-50; 4:61-67; 6:56-57; 7:1-9.

The banner frame (602) is initially accessed by the single URL (transmitted page, location/source) as the content frame (604) both being independent sections of the same document (transmitted page), wherein the document is comprised of both sections. Because both are independent sections of the single URL each can be bookmarked separately; See 2: 1-50.

(Answer at 11.)

Appleman describes the existence and use of "frames" in the "BACKGROUND OF THE INVENTION" section.

One aspect of the way in which HTML supports the display of data is through the support of "frames." Frame support can be defined as the ability of a web browser to split the browser display area into separate "framed" display areas. Each display area, or frame, can contain information from a separate web page and/or point to a separate URL address. Frames can be created to present the user with a simultaneous coordinated presentation of multiple frames while maintaining the look-and-feel of a single web page.

Another feature in most web browsers is the ability to "bookmark" a page. Typically, the web browser stores a plurality of bookmarked pages in a non-volatile storage mechanism where they may be retrieved when the browser is reactivated. A bookmark is a reference to a single URL address.

The use of bookmarks presents a problem for web pages that are designed for display as multiple coordinated, or framed, web pages. A bookmark is a reference to a single URL address. A frame based web page, however, simultaneously displays multiple URL addressed web pages.

Appleman col. 2, ll. 4-23.

We find Appleman's description of frames to be consistent with appellants' teaching in the specification. "The frames are not documents, they define the parameters which documents with assigned HTML tags fill." (Spec. at 8, ll. 20-22.)

Appleman uses a collaborative Internet data mining system to create a "branded or uniform look and feel" to web sites. See Abstract of the Invention. Figure 7 shows how frame based data may be used in the system, with banner frame 602 providing the branded look and feel to the web site and content frame 604 providing the topical content. Col. 15, ll. 53-57.

Appleman provides detail with respect to how a frame based data format is handled by the system (i.e., by the "frames system" 18; Fig. 1).

FIG. 6 provides a detailed diagram of the frame system. The frame system assures that the proper frame set is displayed at the end user's web browser no matter how that user entered into the network of sites in the collaborative data mining system. More specifically, a page may arrive at a web browser (502). At that time, embedded java script code may be executed to query the "frames" object. If the frames object is greater than one then the java script may ask the object for the name of frame number one. If the name of frame number one designates a predetermined frame then the system knows the appropriate banner is already displayed (508) and the frame system does nothing more (506). If, however, the name of the frame is not the predetermined frame (510) then the system dynamically builds the frame set for the requested page (512). The frame system may then pass the frame set and appropriate data to the browser where the browser can process the frame set and cause the appropriate banner and page data display (514). The frame system may then exit (516).

Appleman col. 15, ll. 34-52.

Appellants' observations regarding Appleman's description of the bookmarking of frame based web pages are well taken. Appleman does not appear to discuss the bookmarking of frame based pages, other than in the section addressing the problems in the prior art. In any event, the reference does not set forth in express terms that any documents associated with the banner and the content frames are in a format such that they may be separately bookmarked.

Moreover, the rejection fails to show disclosure (or suggestion) of "defining in a document transmitted from a single remote location at least one section as an independent secondary document," such that a direct link to the secondary document may be stored, as set forth by representative claim 8 and required in substance by all the claims on appeal. In our reading of the reference, the generation of any frame based page appears to be no different at the originating web site from that of the prior art discussed in Appleman and in the instant specification.

We therefore cannot sustain the rejection of the claims under 35 U.S.C. § 102. Nor can we sustain the "alternative" rejection under 35 U.S.C. § 103 over Appleman. The alternative rejection appears to allege, in essence, that everything claimed that is not identically disclosed by Appleman would have been obvious, and does not approach establishing a prima facie case for obviousness. Moreover, neither rejection (§ 102 or 103) shows disclosure or suggestion of at least the feature we have identified in representative claim 8.

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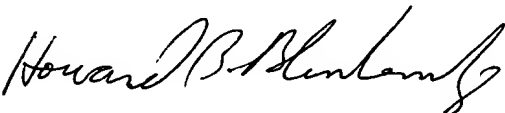
CONCLUSION

The rejection of claims 1-21 under 35 U.S.C. § 102 as being anticipated by Appleman, or under 35 U.S.C. § 103 as being unpatentable over Appleman, is reversed.

REVERSED


MICHAEL R. FLEMING
Administrative Patent Judge


STUART S. LEVY
Administrative Patent Judge


HOWARD B. BLANKENSHIP
Administrative Patent Judge

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